

P29693.A12



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter HIMMELSBACH et al.

Confirmation No. 5165

Group Art Unit: 1771

Serial No. : 09/601,029

Examiner: Piziali, Andrew T

Filed : July 26, 2000

For : SUPPORTING MATERIAL FOR MEDICINAL PURPOSES

PETITION UNDER 37 CFR 1.181 OR 37 CFR 1.137(b)

Attention: Office of Petitions

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

I. PETITION UNDER 37 CFR 1.181

A. Statement of the Facts Involved:

The relevant events in this case occurred as follows:

1. On August 2, 2006 an Office Action finally rejecting all claims under consideration in the above-referenced application was mailed by the Patent and Trademark Office.
2. On October 25, 2006 Petitioners filed a Notice of Appeal and a Pre-Appeal Brief Request for Review.
3. On December 26, 2006 Petitioners submitted an Appeal Brief.
4. On February 21, 2007 the Patent and Trademark Office mailed a first Notice of Non-Compliant Appeal Brief stating that the Appeal Brief failed to mention in the Status of Claims section the status of (canceled) claims 1-36.

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II. PETITION UNDER 37 CFR 1.137 (b)

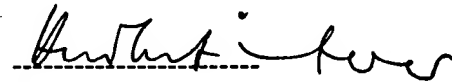
Should the Director determine that the above Petition Under 37 CFR 1.181 is not grantable, Petitioners respectfully petition for revival of the above-referenced application under 37 CFR 1.137(b).

A proper reply to the Notice of Non-Compliant Appeal Brief mailed June 25, 2007 is enclosed herewith in the form of a **THIRD SUPPLEMENTED APPEAL BRIEF UNDER 37 C.F.R. § 41.37**.

The entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The Patent and Trademark Office is hereby authorized to charge any fees which may be required to restore and preserve the pendency of the present application, including any fees which may be required under 37 CFR 1.17(m), to Deposit Account No. 19-0089.

Respectfully submitted,
Peter HIMMELSBACH et al.



Neil F. Greenblum
Reg. No. 28,394

October 15, 2007
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Heribert F. Muensterer
Reg. No. 50,417